REMARKS

Claims 1-40 are pending in the subject application. Claims 5 and 24 are amended herein to clarify the claimed invention. Claim 24 has been amended to delete the dependency upon claim 5 as redundant, in view of the amendment to claim 5. Support for the amendment to claim 5 is at page 8, line 10, of the specification. No new matter has been added. Accordingly, claims 1-40 will remain pending upon entry of this Amendment.

In the July 13, 2004 Office Action, the Examiner required a restriction of the invention under 35 U.S.C. § 121 and §372 to one of four groups which allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1. Specifically, in accordance with 37 C.F.R. §1.499, the Examiner required Applicants to elect one of the following four groups:

I. Claims 1-4, 7-28 and 40, drawn to a method of preventing or treating rejection using a heat shock protein noncovalently bound to an antigenic molecule;

II. Claims 5-16 and 18-28, drawn to a method of treating rejection using a heat shock protein which is substantially free of complexed antigen;

III. Claims 29-31 and 34-39, drawn to a kit for use in treating rejection using a heat shock protein noncovalently bound to an antigenic molecule; or

IV. Claims 32-39, drawn to a kit for use in treating rejection using a heat shock protein which is substantially free of complexed antigen.

The Examiner alleged that Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or a corresponding special technical feature over the prior art disclosures of Cohen et al., U.S. Patent No. 5,993,803 ("Cohen") and Attfield, U.S. Patent No. 5,891,653 ("Attfield").

In response, Applicants respectfully traverse the restriction requirement. In particular, Applicants respectfully disagree with the Examiner's characterization of the claimed invention as being anticipated by Cohen and Attfield and maintain that neither Cohen nor Attfield teach the methods of the claimed invention.

However, in order to be fully responsive to the outstanding restriction requirement, Applicants hereby provisionally elect Group II, directed to claims 5-16, 18-23, and 25-28, drawn to a method of treating rejection of a grafted cell, tissue, or organ in a mammal comprising administering to the mammal a composition comprising a purified heat shock protein which is substantially free of complexed antigenic molecule, with traverse. Applicants note that claim 24 has been taken outside the scope of Group II by Applicants' amendment herein.

The Examiner further required the election of a species of heat shock protein selected from either (a) gp96, (b) hsp70, or (c) hsp90, to which the claims will be restricted if no generic claim is allowed, and identification of the claims readable on the elected species. In response, Applicants elect species (a) gp96, and note that claims 5-11, 14-16, 18-23, and 25-28 are readable on this species.

The Examiner also required the election of a species of histocompatibility relationships between the heat shock protein, the antigen, and the graft recipient, selected from among (a) heat shock protein and antigen are autologous/syngeneic to recipient, (b) heat shock protein and antigen are allogeneic to recipient, (c) heat shock protein is autologous/syngeneic and antigen is allogeneic to recipient, or (d) heat shock protein is allogeneic and antigen is autologous/syngeneic to recipient, to which the claims will be restricted if no generic claim is allowed.

In response, Applicants note that in view of their election of Group II, the histocompatibility relationship between the antigen and the graft recipient is not relevant, since claim 5 specifies that the heat shock protein is "substantially free of complexed antigenic molecule." However, in order to be fully responsive to the outstanding restriction requirement, Applicants elect species (b), wherein the heat shock protein and antigen are allogeneic to recipient. In view of the election of Group II, Applicants construe this species election as directed to embodiments where the heat shock protein is allogeneic to the recipient, and thus believe that claims 5-14, 16, 18-23, and 25-28 are readable on the elected species.

Finally, the Examiner required the election of a species of additional molecule that is not administered as part of the method of Groups I and II, selected from among (a) no

additional molecule, (b) an antibody, or (c) a soluble receptor analogue, to which the claims will be restricted if no generic claim is allowed. In response, Applicants elect species (a), directed to no additional molecule, and note that claims 5-16, 18-23, and 25-28 are readable on this species.

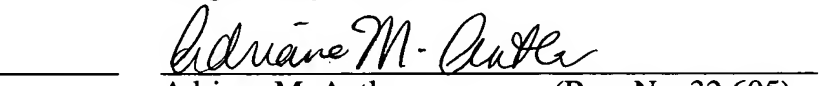
Applicants note that the above-made election of Group II and the three elections of species are made with traverse, since it would not be an undue burden to examine all the claims, and all the individual species, together.

Attorneys for Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the present amendments and remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: January 13, 2005



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